

paid,” and “playable within a certain time period.” In the conventional systems, the created distribution content is forwarded to the terminals, and the terminals are able to replay the content body of the received distribution content according to the management data which is provided to the content body.

However, in the conventional systems, only one management data is provided for each content body. Therefore, replay and billing restrictions can only be made for the entire unit of a content body, not portions of the content body. In other words, a content body cannot be provided with multiple management data providing separate replay and billing restrictions to multiple sections on a time axis of the same content body. Further, if a content body is to have a plurality of different types of restrictions on the use of a content body in the conventional systems, different distribution contents must be created for each content body so as to provide for the different types of uses of one content body.

This problem of the conventional systems is described in lines 11-23 on page 3 of the substitute specification (lines 9-20 on page 3 of the original specification). For example, if a content provider wishes to provide a promotional distribution content (e.g., a thirty second preview of a music file) to allow the user of the terminal to sample the content body before purchasing the full-package distribution content, the content provider must create, store and transmit a promotional distribution content and a full-package distribution of the same content body, and the user of the terminal must receive the promotional distribution content and then receive the full-package distribution content before being able to replay the entire content body. As a result, the content creator has to waste storage capacity and time to create both the promotional distribution content and the full-package distribution content, and the user of the terminal has to waste time and communications costs for receiving both the promotional distribution content and the full-package distribution content.

Accordingly, as described in lines 1-4 on page 4 of the substitute specification (lines 23-25 on page 3 of the original specification), an object of the present invention is to provide a distribution content creating apparatus and method which are capable of creating a distribution content provided with a condition that is only effective to part of the content body of the full-package distribution content.

To achieve this object, the present invention provides a distribution content creating apparatus and method, a content distribution system, a terminal for receiving distribution content, and distribution content in which an arrangement of information is contained and which is embodied in a processor readable memory. According to the present invention, the apparatus, method, system and distribution content embodied in the processor readable memory each include distribution content which comprises a content body, a plurality of pieces of management data, and management track data.

In particular, in the distribution content creating apparatus of the present invention, a distribution content creating part is operable to create a distribution content by reading a content body from a content storage part, which stores content bodies, and providing the read content body with a use condition. A distribution content storage part is operable to store the distribution content which is created by the distribution content creating part. The distribution content creating part includes a management data editing part which is operable to edit management data for at least one specific section of the read content body indicating the use condition of the specific section. The distribution content creating part is further operable to create the distribution content by providing the content body with a plurality of pieces of management data edited by the management data editing part and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data. Further, a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the content body.

Accordingly, a plurality of management tracks define a plurality of different uses of a single content body, and therefore are not defined for a single use of the collection of the content bodies.

Furthermore, as described, for example, beginning at line 13 on page 39 of the substitute specification (beginning at line 23 on page 38 of the original specification), the content body is divided into a plurality of sections on a time axis constituting the content body, and each reproduction section can be provided with different management data. Therefore, according to the present invention, it is possible to specify at least one of a

plurality of sections in the content body, and to set management data to only be effective to selected section. For example, a content body can be replayed only for the first few minutes, or a content body can be replayed for free only for the first few minutes but the remaining portion of the content body cannot be replayed unless a fee is paid.

Accordingly, the distribution content creating apparatus of the present invention can create a distribution content provided with a use condition that is only effective to part of the content body. As a result, the present invention solves the problem of the conventional systems which require that both a promotional distribution content and a full-package distribution content have to be created and stored for the same content body, which results in the same content body being redundantly stored, thereby wasting a large amount of storage capacity.

Therefore, according to the present invention, because content providers or content creators can assign a plurality of management tracks with a content body, where each content body can be divided into a plurality of sections each having their own management data provided thereto, utilization of the content body is under the content providers' or the content creators' control. That is, with the plurality of management tracks that are defined in the distribution content corresponding to a plurality of different uses of the content body, content providers or creators can define a plurality of different uses of the content body. For example, the content providers or creators can change an order in which sections of the content body are reproduced, and can change the reproduction fees for each designated section of the content body.

Independent claims 1, 10-12 and 16 each recite that a plurality of management tracks are defined in the distribution content corresponding to a plurality of different uses of the content body, and that the plurality of different uses are different in terms of at least one of a reproduction section of the content body and a reproduction condition of the body.

Independent claims 1, 10-11 each recite creating the distribution content by reading a stored content body and providing the read content body with a use condition, and editing management data for at least one specific section of the read content body indicating the use condition of the specific section. Claims 1 and 10-11 also each recite

that the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body.

Independent claim 12 recites a terminal for receiving the distribution content which includes a content body, and a plurality of pieces of management data respectively indicating a use condition which is effective to a specific section of the content body, where the specific section of the content body is at least one of a plurality of sections on a time axis constituting the content body.

Independent claim 16 recites that the distribution content comprises a content body, and at least one piece of management data each for at least one specific section of the read content body and indicating the use condition of the specific section, where the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body.

On page 2 of the Office Action, the Examiner asserted that Hurtado et al. discloses that the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body. In particular, the Examiner asserted that this feature of the present invention, as recited in each of claims 1, 10-12 and 16, is disclosed in Hurtado et al. because Hurtado et al. discloses that “the ‘audio track’ corresponding to the specific section of the read content ‘content of the CD’ is read based [on] the time axis ‘20, 30 seconds’ for which the management data is edited.” To support this assertion, the Examiner cited Column 83, line 44 to Column 84, line 67, Column 86, lines 39-41 and Column 95, lines 45-66 of Hurtado et al.

The Applicants respectfully submit that even the broadest reasonable interpretation of Hurtado et al. does not amount to the inventions of claims 1, 10-12 and 16.

Hurtado et al. discloses a method of securely delivering encrypted content from a content provider to an end user so that the end user can decrypt and replay the encrypted content. Hurtado et al. discloses that metadata is previously associated with the content, and the content provided with the metadata is stored at the provider side. Once a user selects a content and receives a secure container (SC) for decrypting at least part of the content, the user is able to decrypt and replay at least part of the content for which the user has authority to decrypt (see Column 5, line 59 to Column 6, line 14).

Hurtado et al. discloses only a single type of use of the collection of contents. That is, Hurtado et al. discloses that the single type of use is only the reproduction of a user's media such as a CD or DVD through a player application 195. In particular, in Column 90, lines 62-64, Hurtado et al. discloses that the player application "provides for editing and playing of collections of content, such as songs (referred to here as Play-lists)." Accordingly, Hurtado et al. merely discloses a player application 195 which edits a Play-list, as defined above, so as to play a collection of contents based on the edited Play-list. Therefore, the player application 195 merely edits a Play-list for a single type of use, i.e., playing music or video, of the collection of contents.

Hurtado et al. also discloses that delivery of contents to the end user may be accomplished by exchanging a computer readable medium between the content provider and the end user, as an alternative to providing the end user with contents over the Internet. In particular, Hurtado et al. discloses that a compact disc (CD) 1802 may contain "music samples and multiple compressed and encrypted music tracks in a Content SC 630 and the associated metadata about the content 113" (see Column 83, lines 59-61). Hurtado et al. further discloses that when the end user mounts the CD 1802 in a CD drive, the end user device 109 automatically starts a web browser 191 that allows the end user to listen to the music samples and select one or more of the compressed and encrypted songs for purchase (see Column 83, lines 61-67). Alternatively, Hurtado et al. discloses that if the end user wishes to download the full-package content 113 after listening to the music samples provided on the CD 1802, the end user can obtain the full-package content 113 from the content SC 630 stored on the CD 1802.

Accordingly, Hurtado et al. merely discloses that music samples and multiple compressed and encrypted music tracks for a content may be contained in the Content SC 630. However, none of the portions of Hurtado et al. referenced by the Examiner, or any other portion of Hurtado et al. for that matter, disclose or suggest that a part of the content is provided with a condition that is only effective to that part of the content body. Instead, the music samples are merely provided to the end user to allow the end user to sample the content and then determine if he or she wishes to purchase the content.

As described above, claims 1, 10-12 and 16 each recite a content body, and at least one piece of management data each for at least one specific section of the read

content body and indicating the use condition of the specific section, where the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body. The specific section of the read content is not the specific section of a promotional or sample content, but is the specific section of the full-package content.

Accordingly, the present invention, as recited in claims 1, 10-12 and 16, creates a distribution content provided with a use condition that is only effective to part of the content body, and thereby solves the problem with conventional systems, such as Hurtado et al., in which a promotional distribution content and a full-package distribution content have to be created and stored for the same content body.

Hurtado et al. is very clear in this regard, in that the CD 1802 containing the music samples is provided to the end user, and the end user can then use the music samples to decide whether or not to download the full-package content. Therefore, in contrast to the present invention, the content provider of Hurtado et al. must create and store both the music sample and the full-package content, and the end user must receive and store both the music sample and the full-package content.

Furthermore, Hurtado et al. clearly does not create a distribution content that is provided with a condition that is only effective to a part of the content body. Even if the sample content is a 20 second portion of the full-package content 113, Hurtado et al. clearly does not disclose or suggest that a content is created which is provided with a condition that is only effective to the 20 second portion of the full-package content 113. Instead, the 20 second sample is an entirely separate content from the full-package content 113.

Therefore, Hurtado et al. clearly does not disclose or suggest creating a distribution content in which a plurality of management tracks are defined corresponding to a plurality of different uses of the content body and the distribution content is provided with a condition that is only effective to a part of the content body, as recited in claims 1, 10-12 and 16.

Furthermore, the “audio tracks” of Hurtado et al. referenced by the Examiner are completely different from the “specific section of the read content,” as recited in claims 1, 10-12 and 16. The “specific section of the read content” of claims 1, 10-12 and 16 is

not the specific section of promotional sample data, but is the specific section of the full-package content.

On the other hand, Hurtado et al. discloses, in Column 84, lines 44-45, “about 20, 30-second audio tracks 1820 of promotional music.” That is, the “audio tracks” disclosed in Hurtado et al. are sample portions of the full-package content 113 for promotional purposes, whereas the specific section of the distribution content, as recited in claims 1, 10-12 and 16, is a specific section of the full-package content. The sample portions of Hurtado et al., however, are clearly separate from the full-package content 113, and therefore, the sample portions of Hurtado et al. are not specific sections of the read full-package content 113.

Therefore, the 20, 30-second “audio tracks” of Hurtado et al. are markedly different than “the specific section of the read content” as recited in claims 1, 10-12 and 16.

For at least the foregoing reasons, Hurtado et al. clearly does not disclose or suggest each and every limitation of claims 1, 10-12 and 16. Namely, Hurtado et al. clearly does not disclose or suggest creating the distribution content by reading a stored content body and providing the read content body with a use condition, and editing management data for at least one specific section of the read content body indicating the use condition of the specific section, where the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body, as recited in claims 1, 10-12 and 16.

Accordingly, claims 1, 10-12 and 16 are clearly not anticipated by Hurtado et al. since Hurtado et al. fails to disclose each and every limitation of claims 1, 10-12 and 16.

In item 3 on page 11 of the Office Action, claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hurtado et al. in view of Purnaveja et al. (U.S. 6,006,241). As demonstrated above, Hurtado et al. clearly does not disclose or suggest each and every limitation of claims 1, 10-12 and 16. Furthermore, for the foregoing reasons, Purnaveja et al. fails to cure the deficiencies of Hurtado et al. for failing to disclose each and every limitation of claims 1, 10-12 and 16.

Purnaveja et al. discloses synchronization scripts and associated annotated multimedia streams for servers and client computers which are coupled to each other by

various networks. However, Purnaveja et al. clearly does not disclose or suggest providing the read content body with a use condition, and editing management data for at least one specific section of the read content body indicating the use condition of the specific section, where the specific section of the read content body is at least one of a plurality of sections on a time axis constituting the read content body, as recited in claims 1, 10-12 and 16.

Therefore, Purnaveja et al. clearly does not cure the deficiencies of Hurtado et al. for failing to disclose or suggest each and every limitation of claims 1, 10-12 and 16.

Thus, no obvious combination of Hurtado et al. and Purnaveja et al. would result in the inventions of claims 1, 10-12 and 16 since Hurtado et al. and Purnaveja et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 1, 10-12 and 16.

Moreover, Hurtado et al. and Purnaveja et al. fail to disclose or suggest each and every limitation of claims 5-7 for the following reasons.

The distribution content creating apparatus of claims 5-7 receives, through the character input part, a start time and an end time for defining the specific section of the content body on the time axis and a use condition for one of the plurality of different uses of the content body. Accordingly, the distribution content creating apparatus of claims 5-7 allow for the management data of the specific section of the read content body to be edited (see, for example, line 23, page 7 to line 5, page 8 of the substitute specification; lines 16-23 on page 7 of the original specification).

Therefore, the distribution content creating apparatus of claims 5-7 can create a distribution content including a content body that is provided with a plurality of pieces of management track data corresponding to various use purposes (see, for example, lines 19-25 on page 6 of the substitute specification; lines 11-17 on page 6 of the original specification).

However, as described above, Hurtado et al. discloses that the full-package content and the sample data are separately created. Therefore, Hurtado et al. does not edit the management data for a purpose of including a content body that is provided with a plurality of pieces of management track data corresponding to various use purposes.

Consequently, even if the Hurtado et al. and Purnaveja et al. were combined, such a combination would not result in the inventions of claims 5-7 since Hurtado et al. and Purnaveja et al., either individually or in combination, clearly do not disclose or suggest receiving, through the character input part, a start time and an end time for defining the specific section of the content body on the time axis and a use condition for one of the plurality of different uses of the content body, as recited in claim 5.

Therefore, in addition to the fact that claims 1, 10-12 and 16 are clearly not anticipated by Hurtado et al. since Hurtado et al. clearly fails to disclose or suggest each and every limitation of claims 1, 10-12 and 16, the Applicants respectfully submit that no obvious combination of Hurtado et al. and Purnaveja et al. would result in the inventions of claims 5-7 since Hurtado et al. and Purnaveja et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 5-7.

Because of the clear distinctions discussed above, it is submitted that the teachings of Hurtado et al. and Purnaveja et al. clearly do not meet each and every limitation of claims 1, 5-7, 10-12 and 16.

Furthermore, it is submitted that the distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Hurtado et al. and Purnaveja et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 5-7, 10-12 and 16.

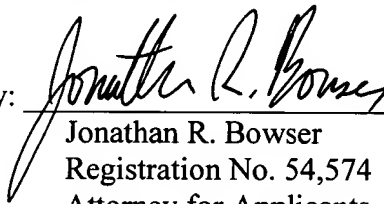
Therefore, it is submitted that the independent claims 1, 10-12 and 16, as well as claims 2-3, 5-9, 13-14 and 17-18 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Request, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Yuko TSUSAKA et al.

By: 
Jonathan R. Bowser
Registration No. 54,574
Attorney for Applicants

JRB/nrj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
January 3, 2006